

NICARAGUA: Banana Workers, Poisoned by Pesticides, Receive Favorable Ruling From U.S. Federal Court

IRTF's Rapid Response Network (RRN) members wrote to Nicaraguan President Bolaños (March 26, 2004), urging him to meet with former banana workers of plantations in Leon and Chinandega. They have **suffered cancers and other infirmities resulting from exposure to Nemagon, a pesticide manufactured by Dow and Shell**, and sprayed on Dole plantations. (Nemagon is now banned internationally. In 2004, 400 former workers died from Nemagon poisoning.) **In December 2002, a Nicaraguan court ordered the companies to pay US \$490 million in damages to the banana workers**, yet the companies still have not respected the court order.

GOOD NEWS!

In August 2005, 13 ex-banana workers held a hunger strike and shut down the Red Cross blood bank in a drastic appeal to the National Assembly of Nicaragua. The government has been ignoring their demands of free health care and pensions for those worst affected. On August 14, the workers called off their direct action when the Assembly put their demands on the September agenda.

On August 25 a panel of three judges in the Federal Appeals Court in Los Angeles ruled against an appeal of Dow Chemical and Shell Oil and in favor of the demands of thousands of Nicaraguan agricultural workers. Dow and Shell had asked the LA court to declare null the 2002 Nicaraguan court ruling, which ordered payment of US\$489.4 million. La Prensa (the national newspaper) reported that the companies had asked the court to declare that the decision of the Nicaraguan court was not valid in the United States and that they were not responsible for any of the damage suffered by Nicaraguan workers, who used the pesticide. The court, however, denied their request.

Walter Gutierrez, administrator in Nicaragua for the firm of lawyers defending the Nicaraguans in the case in the US, said that the recent ruling "opens the possibility for a just compensation for all the Nicaraguan Nemagon victims who are fighting to survive the multiple diseases caused by Nemagon without any help from the authorities or those who are responsible for their suffering."